

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

GREG ADKISSON, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 3:13-CV-505-TAV-HBG
	)	
JACOBS ENGINEERING GROUP,	)	
INC.,	)	
	)	
Defendant.	)	

**PLAINTIFFS' MOTION FOR STATUS CONFERENCE**

COMES NOW the Plaintiffs in the above styled cause, by and through their undersigned counsel, and move this Honorable Court to enter an Order requiring the parties to appear in Court for a Status Conference and hearing. And grounds for this Motion, the Plaintiffs set forth and say unto the Court as follows:

1. On the January 18, 2019, an Order was entered by this Court directing the parties to participate in Court ordered mediation, *to wit*:

[T]he parties are hereby ORDERED to mediate this litigation in good faith within one hundred fifty (150) days of the entry of this order. To the extent additional time to complete a successful, or partially successful, mediation, the parties may move the court for additional time within which to mediate.

[Doc. 459].

2. On May 16, 2019, at the request of the parties, the Court extended the deadline for mediation until August 16, 2019 [Doc. 474].

3. On August 5 and 6, 2019, mediation took place in Knoxville, Tennessee, with Mr. Daniel Balhoff, the agreed mediator appointed by the Court [Doc. 466]. The parties did not reach a settlement during these two days of mediation but agreed to continue discussions with the mediator.

4. On August 16, 2019, the Court extended the deadline for the mediation until October 15, 2019, and ordered the parties, if they are unable to completely resolve this litigation pursuant to mediation, to report to the Court, along with any updates to their Phase II trial proposals, within ten (10) days following the conclusion of the mediation [Doc. 479].

5. With the October 15, 2019, deadline impending, the Plaintiffs request a Status Conference with the Court as soon as an opening can be scheduled to discuss the Court's Mediation Order, whether or not additional time should be allowed, and to consider the conduct of the Defendant and its representatives, which the Plaintiffs believe to be inconsistent with the letter and the spirit of the Court's directive that the parties participate "in good faith" in the mediation process.

WHEREFORE, the Plaintiffs request the Court to set a Status Conference to discuss mediation, anticipated updates to Phase II trial proposals, and scheduling for the Jacobs litigation going forward.

Respectfully submitted,

/s/ Jeff Friedman

Jeffrey E. Friedman (Ala. Bar No. asb-6868-n77j)  
(*Admission Pro Hac Vice*)  
FRIEDMAN, DAZZIO, ZULANAS &  
BOWLING, PC  
3800 Corporate Woods Drive  
Birmingham, Alabama 35242  
[jfriedman@friedman-lawyers.com](mailto:jfriedman@friedman-lawyers.com)

Gary A. Davis  
James S. Whitlock  
DAVIS & WHITLOCK, P.C.  
21 Battery Park Ave., Suite 206  
Asheville, NC 28801  
[gadavis@enviroattorney.com](mailto:gadavis@enviroattorney.com)  
[jwhitlock@enviroattorney.com](mailto:jwhitlock@enviroattorney.com)

James K. Scott  
Keith D. Stewart  
Tyler Roper  
MARKET STREET LAW, PLLC  
625 Market Street, 14th Floor  
Knoxville, TN 37902  
[jimscott264@gmail.com](mailto:jimscott264@gmail.com)  
[keithdstewart@gmail.com](mailto:keithdstewart@gmail.com)  
[TylerRoperlaw@gmail.com](mailto:TylerRoperlaw@gmail.com)

John B. Dupree  
BRIDGEFRONT LAW GROUP, PLLC  
616 W. Hill Avenue, 2<sup>nd</sup> Floor  
Knoxville, TN 37902  
[johnbdupree14@gmail.com](mailto:johnbdupree14@gmail.com)

**Attorneys for Plaintiffs**

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 14, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

James F. Sanders  
James Issac Sanders  
Marie T. Scott  
NEAL & HARWELL, PLC  
1201 Demonbruen Street, Suite 1000  
Nashville, TN 37203  
[jsanders@nealharwell.com](mailto:jsanders@nealharwell.com)  
[isanders@nealharwell.com](mailto:isanders@nealharwell.com)  
[mscott@nealharwell.com](mailto:mscott@nealharwell.com)

Theodore J. Boutrous, Jr.  
Theane D. Evangelis  
Jeremy Smith  
GIBSON, DUNN & CRUTCHER, LLP  
333 S. Grand Avenue  
Los Angeles, CA 90071  
[tboutrous@gibsondunn.com](mailto:tboutrous@gibsondunn.com)  
[tevangelis@gibsondunn.com](mailto:tevangelis@gibsondunn.com)  
[jssmith@gibsondunn.com](mailto:jssmith@gibsondunn.com)

/s/ Jeff Friedman

Jeff Friedman